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Attorneys for Defendant
NAVIENT SOLUTIONS, INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

GOLI RANEKOUHI, an Individual,

Plaintiff,

v.

NAVIENT SOLUTIONS, INC.,
formerly SALLIE MAE, INC.; AND
DOES 1-20 INCLUSIVE,

Defendants.

Case No.

**NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C. §§
1331 AND 1441**

1 Defendant Navient Solutions, Inc. (“NSI”), by and through its counsel,
 2 respectfully submits this Notice of Removal of this action pursuant to 28 U.S.C. §§
 3 1331 and 1441. The grounds for removal are as follows:

4 **BACKGROUND TO THE NOTICE OF REMOVAL**

5 1. This action was filed and is pending in the Superior Court of
 6 California, County of Orange, Central Justice Center, under the caption Goli
 7 Ranekouhi v. Navient Solutions, Inc., Case No. 30-2015-00790881-CU-NP-CJC
 8 (the “State Court Action”).

9 2. Pursuant to the provisions of 28 U.S.C. § 1446, NSI attaches as
 10 Exhibit A the summons (“Summons”), complaint (“Complaint”) and civil
 11 coversheet filed by plaintiff Goli Ranekouhi (“Plaintiff”) in the State Court Action.

12 3. The Complaint alleges, among other things, that NSI violated the
 13 Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, *et seq.* *See, e.g.*,
 14 Complaint, ¶¶ 2, 16, 45, and 48; Prayer for Relief. The Complaint also alleges that
 15 NSI violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et. seq.*
 16 (“FDCPA”), which is incorporated into the Rosenthal Fair Debt Collection
 17 Practices Act (“RFDCPA”) by Cal. Civ. Code § 1788.17. *See* Complaint, ¶¶ 28,
 18 36, 39 and 40.

19 4. NSI’s registered agent was served with a copy of the Summons and
 20 Complaint on June 5, 2015.

21 5. NSI’s Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b)
 22 because Section 1446(b) gives the defendant 30 days to seek removal, meaning the
 23 removal period runs to July 6, 2015, but NSI files on July 2, 2015.

24 **REMOVAL IS PROPER BECAUSE**

25 **FEDERAL QUESTION JURISDICTION EXISTS**

26 6. Plaintiff’s Complaint alleges violations of the TCPA and the FDCPA,
 27 which give rise to federal question jurisdiction. *See Mims v. Arrow Financial*
 28 *Services, LLC*, 132 S. Ct. 740, 748-49 (2012) (finding TCPA claim subject to

1 federal question jurisdiction); *see also* FDCPA 15 U.S.C. § 1692k(d); Bennett v.
 2 Am. Med. Response, Inc., 226 Fed. Appx. 725, 727 (9th Cir. 2007) (holding that
 3 the district court properly asserted federal question jurisdiction where plaintiff
 4 alleged claims arising under the FDCPA).

5 7. Accordingly, this is a civil action over which this Court, as a district
 6 court of the United States, has original jurisdiction as provided in 28 U.S.C. § 1331.

7 8. To the extent the Complaint alleges statutory, state common law or
 8 other nonfederal claims, this Court has supplemental jurisdiction over any such
 9 claims under 28 U.S.C. §§ 1367 and 1441(c).

10 **ALL PROCEDURAL REQUIREMENTS FOR REMOVAL**
 11 **HAVE BEEN SATISFIED**

12 9. For the reasons discussed above, this Court has subject-matter
 13 jurisdiction and removal of Plaintiff's claims to this Court is appropriate pursuant to
 14 28 U.S.C. §§ 1331 and 1441.

15 10. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1441 (a) and
 16 1446(a) because the U.S. District Court for the Central District of California,
 17 Southern Division, is the federal judicial district embracing the Superior Court of
 18 California, County of Orange, Central Justice Center where the State Court Action
 19 was originally filed.

20 11. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of the
 21 process, pleadings and documents from the State Court Action that have been
 22 served upon NSI are being filed with this Notice of Removal.

23 12. This Notice of Removal has been filed within 30 days of the date that
 24 NSI was served with the Summons and Complaint in the State Court Action.
 25 Removal is therefore timely in accordance with 28 U.S.C. § 1446(b).

26 13. In accordance with 28 U.S.C. § 1446(d), NSI, upon the filing of this
 27 Notice of Removal, will also file a copy of such Notice with the Clerk of the
 28

1 Superior Court of California, County of Orange, Central Justice Center and serve a
2 copy on Plaintiff's counsel.

3 **CONCLUSION**

4 14. NSI hereby reserves all defenses and objections to the Complaint,
5 including, but not limited to: lack of personal jurisdiction, improper venue, *forum*
6 *non conveniens*, insufficiency of process, insufficiency of service of process and
7 failure to state a claim.

8 Dated: July 2, 2015

VEDDER PRICE (CA), LLP

9
10 By: /s/ Shanna Javaheri

11 Shanna Javaheri
12 Attorneys for Defendant
13 NAVIENT SOLUTIONS, INC.
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CERTIFICATE OF SERVICE

I hereby certify that, on July 2, 2015, a copy of the foregoing **NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. §§ 1331 AND 1441** was filed electronically and served by U.S. Mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by facsimile to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's EM/ECF System.

/s/ Shanna Javaheri

Shanna Javaheri